

1231. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank Valve Bedford, Indiana facility failed to post information on how to contact emergency coordinators and the local fire department and the location of emergency equipment next to the telephone in violation of 40 C.F.R. § 262.34(d)(5)(ii) and 329 Ind. Admin. Code 3.1-7-1.

1232. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

TWO HUNDRED NINETY-FIRST CLAIM FOR RELIEF - RCRA
(Failure to Properly Manage Hazardous Waste, Manchester Tank Company,
Bedford, Indiana)

1233. Paragraphs 1 through 1232 are realleged and incorporated herein.

1234. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank Valve Bedford, Indiana facility failed to properly manage satellite accumulation of hazardous waste by accumulating one 55-gallon container and multiple 5-gallon containers, in violation of 40 C.F.R. § 262.34(c)(2) and 329 Ind. Admin. Code 3.1-7-1.

1235. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

TWO HUNDRED NINETY-SECOND CLAIM FOR RELIEF - RCRA
(Failure to Comply with Universal Waste Requirements, Manchester Tank Company,
Bedford, Indiana)

1236. Paragraphs 1 through 1235 are realleged and incorporated herein.

1237. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank Valve Bedford, Indiana facility failed to label universal waste lamp containers and the date of the first lamp disposal was not documented, in violation of 40 C.F.R. §§ 273.14(e), 273.15(c) and 329 Ind. Admin. Code 3.1-16-1.

1238. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

TWO HUNDRED NINETY-THIRD CLAIM FOR RELIEF - RCRA
(Failure to Have Universal Waste Management Training Program, Manchester Tank
Company, Bedford, Indiana)

1239. Paragraphs 1 through 1238 are realleged and incorporated herein.

1240. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank Valve Bedford, Indiana facility failed to have a universal waste management training program and did not perform annual training, in violation of 40 C.F.R. § 273.16 and 329 Ind. Admin. Code 3.1-16-1.

1241. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that

occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

TWO HUNDRED NINETY-FOURTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Used Oil Requirements, Manchester Tank Company, Crossville, Tennessee)

1242. Paragraphs 1 through 1241 are realleged and incorporated herein.

1243. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Crossville, Tennessee facility failed to properly label two waste oil tanks, in violation of 40 C.F.R. §§ 279.22 (c), 282.50(b).

1244. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

TWO HUNDRED NINETY-FIFTH CLAIM FOR RELIEF - RCRA
(Failure to Provide Hazardous Waste Training, Manchester Tank Company, Elkhart, Indiana)

1245. Paragraphs 1 through 1244 are realleged and incorporated herein.

1246. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Elkhart, Indiana facility failed to provide the personnel training in hazardous waste management procedures that is required of a large quantity generator of hazardous waste, in violation of 40 C.F.R. §§ 262.34(a)(4), 265.16 and 329 Ind. Admin. Code 3.1-7-1.

1247. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

TWO HUNDRED NINETY-SIXTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Small Quantity Generator Requirements, Manchester Tank Company, Elkhart, Indiana)

1248. Paragraphs 1 through 1247 are realleged and incorporated herein.

1249. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Elkhart, Indiana facility exceeded the threshold for a conditionally exempt small quantity generator and caused the facility to pass into the status of a large quantity generator for at least one month, in violation of 40 C.F.R. § 261.5 and 329 Ind. Admin. Code 3.1-7.

1250. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

TWO HUNDRED NINETY-SEVENTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Universal Waste Requirements, Manchester Tank Company, Elkhart, Indiana)

1251. Paragraphs 1 through 1250 are realleged and incorporated herein.

1252. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Elkhart, Indiana facility failed to label its universal waste fluorescent bulb containers with an accumulation start date, in violation of 40 C.F.R. § 273.15(c) and 329 Ind. Admin. Code 3.1-16-1.

1253. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

TWO HUNDRED NINETY-EIGHTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Universal Waste Requirements, Manchester Tank Company,
Elkhart, Indiana)

1254. Paragraphs 1 through 1253 are realleged and incorporated herein.

1255. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Elkhart, Indiana facility failed to provide training on universal waste management, in violation of 40 C.F.R. § 273.16 and 329 Ind. Admin. Code 3.1-7-1.

1256. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

TWO HUNDRED NINETY-NINTH CLAIM FOR RELIEF - RCRA
(Failure to Characterize Waste Streams, Manchester Tank Company, Lubbock, Texas)

1257. Paragraphs 1 through 1256 are realleged and incorporated herein.

1258. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Lubbock, Texas facility managed several waste streams as non-hazardous waste that had never been characterized for disposal, in violation of 40 C.F.R. § 262.11. This finding was consistent with a Texas Natural Resource Conservation Commission notice of violation issued to the facility earlier in the year. The waste streams included a non-solvent-based parts washer, air emission control dust from a plasma welder, scrap steel, and oil contaminated rags and pads.

1259. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDREDTH CLAIM FOR RELIEF - RCRA
(Failure to Properly Label Waste, Manchester Tank Company, Lubbock, Texas)

1260. Paragraphs 1 through 1259 are realleged and incorporated herein.

1261. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Lubbock, Texas facility failed to adequately label several 55-gallon drums used for accumulating baghouse dust and waste naphtha, in violation of 40 C.F.R. § 262.34.

1262. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that

occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -FIRST CLAIM FOR RELIEF - RCRA
(Failure to Properly Manage Waste, Manchester Tank Company, Lubbock, Texas)

1263. Paragraphs 1 through 1262 are realleged and incorporated herein.

1264. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Lubbock, Texas facility failed to provide secondary containment for several 55-gallon drums used for accumulating baghouse dust and waste naphtha, as well as several other drums containing waste paint, in violation of 40 C.F.R. § 262.34.

1265. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -SECOND CLAIM FOR RELIEF - RCRA
(Failure to Document HAZWOPER Training, Manchester Tank Company,
Lubbock, Texas)

1266. Paragraphs 1 through 1265 are realleged and incorporated herein.

1267. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Lubbock, Texas facility failed to document that the facility had complied with the

hazardous waste operations and emergency response standard training program, in violation of 29 C.F.R. § 1910.120.

1268. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -THIRD CLAIM FOR RELIEF - RCRA
(Failure to Comply with Universal Waste Management Requirements, Manchester Tank Company, Lubbock, Texas)

1269. Paragraphs 1 through 1268 are realleged and incorporated herein.

1270. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Lubbock, Texas facility failed to implement a universal waste management program when it disposed of universal wastes like fluorescent lights, high pressure bulbs, alkaline batteries, NiCad batteries, lead acid batteries, lithium batteries, and electronic equipment with the facility's non-hazardous wastes, in violation of 40 C.F.R. § 273 Subpart B, including 40 C.F.R. §§ 273.11, 273.13-18.

1271. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -FOURTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Large Quantity Generator Recordkeeping Requirements,
Manchester Tank Company, Lubbock, Texas)

1272. Paragraphs 1 through 1271 are realleged and incorporated herein.

1273. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Lubbock, Texas facility failed to comply with the record keeping requirements for large quantity generators, in violation of 40 C.F.R. § 262.40.

1274. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -FIFTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Used Oil Requirements, Manchester Tank Company, Petersburg,
Virginia)

1275. Paragraphs 1 through 1274 are realleged and incorporated herein.

1276. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Petersburg, Virginia facility failed to properly label and seal one 55-gallon waste oil drum which was located in the compressor area, in violation of 40 C.F.R. § 279.22(c).

1277. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from

January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -SIXTH CLAIM FOR RELIEF - RCRA
(Failure to Submit a Hazardous Waste Notification, Manchester Tank Company,
Petersburg, Virginia)

1278. Paragraphs 1 through 1277 are realleged and incorporated herein.

1279. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Petersburg, Virginia facility failed to submit a hazardous waste notification to the state identifying the facility's change in hazardous waste activities (relating to a dip tank), in violation of 40 C.F.R. § 262.12, 9 Va. Admin. Code §§ 20-60-305(B), 20-60-315, and 20-60-325.

1280. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -SEVENTH CLAIM FOR RELIEF - RCRA
(Failure to Comply With Universal Waste Requirements, Manchester Tank Company,
Petersburg, Virginia)

1281. Paragraphs 1 through 1280 are realleged and incorporated herein.

1282. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Petersburg, Virginia facility failed to have a universal waste management program, no universal wastes had been identified, fluorescent bulbs were being disposed of as solid waste in

the facility's general trash, and no training on the proper management of universal waste had been performed, in violation of 40 C.F.R. §§ 273.14(a), 273.34(a).

1283. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -EIGHTH CLAIM FOR RELIEF - RCRA
(Failure to Comply With Labeling Requirements, Manchester Tank Company,
Petersburg, Virginia)

1284. Paragraphs 1 through 1283 are realleged and incorporated herein.

1285. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Petersburg, Virginia facility failed to correctly label plastic oil drums which were labeled "waste water and oil," in violation of 40 C.F.R. § 279.

1286. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -NINTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Land Disposal Restrictions, Manchester Tank Company,
Quincy, Illinois)

1287. Paragraphs 1 through 1286 are realleged and incorporated herein.

1288. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Quincy, Illinois facility failed to maintain documentation of the data used to determine the applicability of the land disposal restrictions to wastes generated at the facility in violation of 40 C.F.R. § 268.7(a)(6) and 35 Ill. Admin. Code 728.107(a)(6).

1289. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -TENTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Hazardous Waste Notification Restrictions, Manchester Tank Company, Quincy, Illinois)

1290. Paragraphs 1 through 1289 are realleged and incorporated herein.

1291. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Quincy, Illinois facility failed to submit a one-time hazardous waste notification to a transportation, storage, and disposal facility prior to shipping waste to that facility, in violation of 40 C.F.R. § 268.7(a)(2) and 35 Ill. Admin. Code 728.107(a)(2) .

1292. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -ELEVENTH CLAIM FOR RELIEF - RCRA

(Failure to Maintain Hazardous Waste Management Training Documentation, Manchester Tank Company, Quincy, Illinois)

1293. Paragraphs 1 through 1292 are realleged and incorporated herein.

1294. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Quincy, Illinois facility failed to ensure that all employees were thoroughly familiar with proper waste handling and emergency procedures, required by 40 C.F.R. § 262.34(d)(5)(iii) and 35 Ill. Admin. Code 722.134(a)(4).

1295. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -TWELFTH CLAIM FOR RELIEF - RCRA

(Failure to Comply With Emergency Procedure Notification Provisions, Manchester Tank Company, Quincy, Illinois)

1296. Paragraphs 1 through 1295 are realleged and incorporated herein.

1297. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Quincy, Illinois facility failed to comply with the relevant emergency procedure notification provisions of the hazardous waste management requirements, when the emergency coordinator contact information, fire extinguisher and spill control equipment location, and fire department telephone number were not posted, in violation of 40 C.F.R. § 262.34(d)(5)(ii) and 35 Ill. Admin. Code 722.134(d)(5)(B).

1298. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -THIRTEENTH CLAIM FOR RELIEF - RCRA
(Failure to Label Hazardous Waste Container, Manchester Tank Company,
Quincy, Illinois)

1299. Paragraphs 1 through 1298 are realleged and incorporated herein.

1300. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Quincy, Illinois facility failed to mark one satellite accumulation container with the words "hazardous waste" and to close the open container, in violation of 40 C.F.R. §§ 262.34(c)(1), 265.173 and 35 Ill. Admin. Code 722.134(c)(1), 725.273.

1301. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -FOURTEENTH CLAIM FOR RELIEF - RCRA
(Failure to Inspect Hazardous Waste Area, Manchester Tank Company, Quincy, Illinois)

1302. Paragraphs 1 through 1313 are realleged and incorporated herein.

1303. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Quincy, Illinois facility failed to inspect the area used for collecting hazardous waste on a weekly basis in violation of 40 C.F.R. §§ 262.34(d)(2), 265. 174 and 35 Ill. Admin. Code 722.134(d)(2), 725.274.

1304. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -FIFTEENTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Used Oil Labeling Requirements, Manchester Tank Company,
Quincy, Illinois)

1305. Paragraphs 1 through 1304 are realleged and incorporated herein.

1306. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Quincy, Illinois facility failed to properly label all used oil collection drums in the compressor room as "used oil," in violation of 40 C.F.R. § 279.22(c) and 35 Ill. Admin. Code 739.122(c).

1307. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED -SIXTEENTH CLAIM FOR RELIEF - RCRA
(Operation Without a Permit, Pacific States Cast Iron Pipe Company, Provo, Utah)

1308. Paragraphs 1 through 1307 are realleged and incorporated herein.

1309. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility operated its cupola without a permit when it charged hazardous waste (methyl ethyl ketone containing paint and liquid asphalt-based paint) in the cupola as an alternative fuel without a treatment, storage, and disposal permit, in violation of 40 C.F.R. § 264.1(b) and the authorized requirements of Utah Admin. Code R. 315-304-3 Definitions (1)(a).

1310. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTEENTH CLAIM FOR RELIEF - RCRA
(Failure to Obtain a Permit to Operate Landfill, Pacific States Cast Iron Pipe Company, Provo, Utah)

1311. Paragraphs 1 through 1310 are realleged and incorporated herein.

1312. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility operated an un-permitted, on-site foundry waste landfill, when the permit application had been prepared but not submitted to the Utah Department of Environmental Quality, in violation of 40 C.F.R. § 272.2251 and Utah Admin. Code R. 315-304. This facility currently has a permit (Permit No. 0203) prepared by the Utah Solid and Hazardous Waste

Control Board to operate a class IIIb landfill, which was made effective on April 1, 2009, and will expire on March 31, 2019.

1313. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTEENTH CLAIM FOR RELIEF - RCRA
(Failure to Properly Store Hazardous Waste, Pacific States Cast Iron Pipe Company,
Provo, Utah)

1314. Paragraphs 1 through 1313 are realleged and incorporated herein.

1315. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to properly store hazardous waste and failed to have a properly constructed area for the storage of hazardous wastes when the facility had a large quantity of paint materials, included small containers of epoxy paint and thinners, no longer in use at the facility which was randomly stored in the special lining building, in violation of 40 C.F.R. §§ 265.171-173.

1316. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETEENTH CLAIM FOR RELIEF - RCRA
(Failure to Comply With Large Quantity Generator Requirements, Pacific States Cast Iron Pipe Company, Provo, Utah)

1317. Paragraphs 1 through 1316 are realleged and incorporated herein.

1318. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to include EPA form 8700-12 showing the new information regarding the generator status and the change of contact person, when it requested to the UDEQ to change from small quantity generator to large quantity generator status, in violation of 40 C.F.R. § 262.12(b).

1319. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTIETH CLAIM FOR RELIEF - RCRA
(Failure to Properly Mark Hazardous Waste Containers, Pacific States Cast Iron Pipe Company, Provo, Utah)

1320. Paragraphs 1 through 1319 are realleged and incorporated herein.

1321. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to properly mark the majority of containers of 100 gallons or less of hazardous waste destined for off-site transportation, in violation of 40 C.F.R. §§ 262.32, 262.33.

1322. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTY-FIRST CLAIM FOR RELIEF - RCRA
(Failure to Meet Time Limit for Hazardous Waste Storage, Pacific States Cast Iron Pipe Company, Provo, Utah)

1323. Paragraphs 1 through 1322 are realleged and incorporated herein.

1324. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to meet the 90-day time limit for Large Quantity Generators for ensuring that approximately 52 55-gallon drums of hazardous waste were properly labeled and transported off-site to a proper disposal facility, in violation of 40 C.F.R. § 262.34.

1325. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTY-SECOND CLAIM FOR RELIEF - RCRA
(Failure to Comply with Preparedness, Prevention, and Emergency Response Requirements, Pacific States Cast Iron Pipe Company, Provo, Utah)

1326. Paragraphs 1 through 1325 are realleged and incorporated herein.

1327. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to post (1) name and telephone number of the emergency coordinator; (2) location of fire extinguisher, spill control material, and fire alarm; and (3) telephone number of the fire department in violation of 40 C.F.R. § 262.34(d)(5)(ii).

1328. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTY-THIRD CLAIM FOR RELIEF - RCRA
(Failure to Have Effective Communications When Handling Hazardous Waste, Pacific States Cast Iron Pipe Company, Provo, Utah)

1329. Paragraphs 1 through 1328 are realleged and incorporated herein.

1330. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to have in place written procedures regarding access to communications when handling hazardous waste, in violation of 40 C.F.R. § 265.16.

1331. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTY-FOURTH CLAIM FOR RELIEF - RCRA
(Failure to Have Records of Contact With Local Authorities, Pacific States Cast Iron Pipe Company, Provo, Utah)

1332. Paragraphs 1 through 1331 are realleged and incorporated herein.

1333. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to have records to indicate that the local authorities had been contacted to familiarize themselves with hazardous waste operations on-site, in violation of 40 C.F.R. § 265.37(a).

1334. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTY-FIFTH CLAIM FOR RELIEF - RCRA
(Failure to Have Written Records Available to Document that Weekly Container Area Inspections Were Occurring, Pacific States Cast Iron Pipe Company, Provo, Utah)

1335. Paragraphs 1 through 1346 are realleged and incorporated herein.

1336. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to have written records available to document that weekly container area inspections were occurring, in violation of 40 C.F.R. § 265.174.

1337. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from

January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTY-SIXTH CLAIM FOR RELIEF - RCRA
(Failure to Have Waste Minimization Program in Place, Pacific States Cast Iron Pipe
Company, Provo, Utah)

1338. Paragraphs 1 through 1337 are realleged and incorporated herein.

1339. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to have a waste minimization program in place although the facility had recently moved to large quantity generator status, in violation of 40 C.F.R. § 262.

1340. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTY-SEVENTH CLAIM FOR RELIEF - RCRA
(Failure to Properly Store Hazardous Waste, Pacific States Cast Iron Pipe Company,
Provo, Utah)

1341. Paragraphs 1 through 1340 are realleged and incorporated herein.

1342. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to have a properly constructed hazardous waste storage facility with appropriate secondary containment around the 55-gallon drums storing hazardous waste throughout the facility, in violation of 40 C.F.R. § 264.200 and Utah Admin. Code R. 315-8-10.

1343. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTY-EIGHTH CLAIM FOR RELIEF - RCRA
(Failure to Have Hazardous Waste Contingency Plan, Pacific States Cast Iron Pipe Company, Provo, Utah)

1344. Paragraphs 1 through 1343 are realleged and incorporated herein.

1345. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to have a hazardous waste contingency plan in place (although a plan was being developed and was in draft form), although the facility's large quantity generator status had been established in June 2004, in violation of 40 C.F.R. § 265.52.

1346. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED TWENTY-NINTH CLAIM FOR RELIEF - RCRA
(Failure to Comply With Universal Waste Requirements, Pacific States Cast Iron Pipe Company, Provo, Utah)

1347. Paragraphs 1 through 1346 are realleged and incorporated herein.

1348. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to label containers at the fluorescent light storage area, in violation of 40 C.F.R. § 274.14(e) and Utah Admin. Code R. 315-16-2.5, R315-16-3.5.

1349. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTIETH CLAIM FOR RELIEF - RCRA
(Failure to Document Hazardous Waste Handling Training, Pacific States Cast Iron Pipe Company, Provo, Utah)

1350. Paragraphs 1 through 1349 are realleged and incorporated herein.

1351. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to have documentation regarding training for the proper handling and emergency procedures appropriate to the types of universal waste handled at facility, in violation of 40 C.F.R. § 273.16.

1352. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTY-FIRST CLAIM FOR RELIEF - RCRA
(Failure to Have Operating Records for On-Site Landfill, Pacific States Cast Iron Pipe Company, Provo, Utah)

1353. Paragraphs 1 through 1352 are realleged and incorporated herein.

1354. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to have operating records for the on-site landfill, or records indicating that internal inspections of the landfill occurred, in violation of the authorized requirements of 40 C.F.R. § 272.2251, and Utah Admin. Code R. 315-302, R315-310.

1355. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTY-SECOND CLAIM FOR RELIEF - RCRA
(Failure to Have Signage in Place to Delineate Landfill Boundary, Pacific States Cast Iron Pipe Company, Provo, Utah)

1356. Paragraphs 1 through 1355 are realleged and incorporated herein.

1357. Based on an audit conducted by McWane, Defendant McWane at the Pacific States Provo, Utah facility failed to have signage in place to delineate the landfill boundary, in violation of the authorized requirements of 40 C.F.R. § 272.2251, and Utah Admin. Code R315-303-4.

1358. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that

occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTY-THIRD CLAIM FOR RELIEF - RCRA
(Failure to Have EPA ID Numbers, Pacific States Cast Iron Pipe Company, Provo, Utah)

1359. Paragraphs 1 through 1358 are realleged and incorporated herein.

1360. Based on an audit conducted by McWane, Defendant McWane's 2003 and 2004 records at the Pacific States Provo, Utah facility failed to show used oil disposal had EPA ID numbers for transporters, in violation of 40 C.F.R. § 279.24.

1361. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTY-FOURTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Universal Waste Requirements, Tyler Pipe Company,
Marshfield, Missouri)

1362. Paragraphs 1 through 1361 are realleged and incorporated herein.

1363. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Marshfield, Missouri facility failed to control and manage aerosol cans for disposal, in violation of 40 C.F.R. § 262.10.

1364. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTY-FIFTH CLAIM FOR RELIEF – RCRA
(Failure to Comply with Universal Waste Requirements, Tyler Pipe Company,
Marshfield, Missouri)

1365. Paragraphs 1 through 1364 are realleged and incorporated herein.

1366. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Marshfield, Missouri facility failed to have a formal written program for universal waste management which included the required elements of identification, management, labeling, treatment, training, and disposal, in violation of 40 C.F.R. § 273, Subparts A-G.

1367. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTY-SIXTH CLAIM FOR RELIEF – RCRA
(Failure to Comply with Hazardous Waste Labeling Requirements, Tyler Pipe Company,
Macungie, Pennsylvania)

1368. Paragraphs 1 through 1367 are realleged and incorporated herein.

1369. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe,

Macungie, Pennsylvania facility failed to have an accumulation date on a drum labeled as hazardous waste, in violation of 40 C.F.R. § 262.34(a)(2). This facility closed in April 2006.

1370. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTY-SEVENTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Used Oil Requirements, Tyler Pipe Company,
Macungie, Pennsylvania)

1371. Paragraphs 1 through 1370 are realleged and incorporated herein.

1372. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Macungie, Pennsylvania facility failed to cover used oil drums, in violation of 40 C.F.R. § 279.22.

1373. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTY-EIGHTH CLAIM FOR RELIEF - RCRA
(Failure to Complete Hazardous Waste Notification Form, Tyler Pipe Company,
Macungie, Pennsylvania)

1374. Paragraphs 1 through 1373 are realleged and incorporated herein.

1375. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Macungie, Pennsylvania facility failed to complete the facility's hazardous waste notification form (EPA Form 8700) for reporting year 2003 when it did not have all sections of item 10 completed and not all boxes were checked regarding hazardous waste activities, in violation of 40 C.F.R. § 262.12.

1376. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED THIRTY-NINTH CLAIM FOR RELIEF - RCRA
(Failure to Document Hazardous Waste Streams, Tyler Pipe Company,
Macungie, Pennsylvania)

1377. Paragraphs 1 through 1376 are realleged and incorporated herein.

1378. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Macungie, Pennsylvania facility failed to have proper waste characterization documentation for all waste streams to determine whether or not they were hazardous, in violation of 40 C.F.R. § 262.11.

1379. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from

January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTIETH CLAIM FOR RELIEF - RCRA
(Failure to Have Accurate Hazardous Waste Shipment Records, Tyler Pipe Company,
Macungie, Pennsylvania)

1380. Paragraphs 1 through 1379 are realleged and incorporated herein.

1381. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Macungie, Pennsylvania facility failed to have accurate hazardous waste shipping records when facility reported discrepancies in to the amounts of hazardous waste reported as shipped in the facility's annual hazardous waste report as compared with manifested shipments for the year 2003, in violation of 40 C.F.R. § 262.4(a)(1-8).

1382. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTY-FIRST CLAIM FOR RELIEF - RCRA
(Failure to Have Accurate Hazardous Waste Contingency Plan, Tyler Pipe Company,
Macungie, Pennsylvania)

1383. Paragraphs 1 through 1382 are realleged and incorporated herein.

1384. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Macungie, Pennsylvania facility failed to have a comprehensive hazardous waste plan which included the accumulation of the aerosol can hazardous waste stream and its hazardous waste

classification number, and failed to identify the new environmental manager, in violation of 40 C.F.R. § 265.54(a-e).

1385. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTY-SECOND CLAIM FOR RELIEF - RCRA
(Failure to Keep Inspection Records, Tyler Pipe Company, Macungie, Pennsylvania)

1386. Paragraphs 1 through 1385 are realleged and incorporated herein.

1387. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Macungie, Pennsylvania facility failed to fully document some weekly hazardous waste accumulation area inspections from 2002, in violation of 40 C.F.R. §§ 265.174, 262.34(a)(l)(i), 262.34(d)(2).

1388. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTY-THIRD CLAIM FOR RELIEF - RCRA
(Failure to Comply with Universal Waste Requirements, Tyler Pipe Company, Macungie, Pennsylvania)

1389. Paragraphs 1 through 1388 are realleged and incorporated herein.

1390. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Macungie, Pennsylvania facility failed to date universal waste containers with the first day universal wastes were placed into the containers, in violation of 40 C.F.R. § 273.15(c).

1391. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTY-FOURTH CLAIM FOR RELIEF - RCRA
(Failure to Provide Training for Universal Waste Management, Tyler Pipe Company, Macungie, Pennsylvania)

1392. Paragraphs 1 through 1391 are realleged and incorporated herein.

1393. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Macungie, Pennsylvania facility failed to provide training for universal waste management, in violation of 40 C.F.R. § 273 Subpart B and 40 C.F.R. § 273.16.

1394. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring

from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTY-FIFTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Landfill Maintenance Requirements, Tyler Pipe Company,
Tyler, Texas)

1395. Paragraphs 1 through 1394 are realleged and incorporated herein.

1396. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to comply with landfill maintenance requirements including 50-60 tires at the landfill, a used automotive battery, and several wooden pallets, all of which were unauthorized, in violation of 40 C.F.R. § 257 and 30 T.A.C. § 1-335.

1397. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTY-SIXTH CLAIM FOR RELIEF - RCRA
(Failure to Properly Dispose of Used Oil, Used Oil Filters, and Universal Waste, Tyler Pipe
Company, Tyler, Texas)

1398. Paragraphs 1 through 1397 are realleged and incorporated herein.

1399. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to properly dispose of used oil, used oil filters, and universal waste, in violation of 40 C.F.R. § 273 Subpart B, 40 C.F.R. § 279, and 30 T.A.C. § 1-324.1.

1400. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTY-SEVENTH CLAIM FOR RELIEF - RCRA
(Failure to Maintain Records for Aerosol Cans, Tyler Pipe Company, Tyler, Texas)

1401. Paragraphs 1 through 1412 are realleged and incorporated herein.

1402. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to maintain records for waste aerosol cans at the North Plant combustion chamber solids handling area to support their waste classification, in violation of 40 C.F.R. § 262.40(c).

1403. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTY-EIGHTH CLAIM FOR RELIEF - RCRA
(Failure to Submit Land Disposal Restriction Notification, Tyler Pipe Company,
Tyler, Texas)

1404. Paragraphs 1 through 1403 are realleged and incorporated herein.

1405. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe,

Tyler, Texas facility failed to submit a land disposal restriction notification for a 2003 hazardous waste shipment, in violation of 40 C.F.R. § 268.7(a)(2).

1406. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FORTY-NINTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Hazardous Waste Training Requirements, Tyler Pipe Company, Tyler, Texas)

1407. Paragraphs 1 through 1406 are realleged and incorporated herein.

1408. Based on an audit conducted by McWane, Defendant McWane's hazardous waste manifests at the Tyler Pipe, Tyler, Texas facility had been signed by persons for whom there was no documentation to show they had received the required training, in violation of 40 C.F.R. § 262.20(a).

1409. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTIETH CLAIM FOR RELIEF - RCRA
(Failure to Have Accurate Hazardous Waste Shipment Records, Tyler Pipe Company,
Tyler, Texas)

1410. Paragraphs 1 through 1409 are realleged and incorporated herein.

1411. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to have accurate hazardous waste shipping records when discrepancies were identified with respect to the amounts of hazardous waste reported as generated and shipped for each waste stream on a 2003 hazardous waste report, in violation of 40 C.F.R. § 262.41.

1412. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTY-FIRST CLAIM FOR RELIEF - RCRA
(Failure to Have Accurate Signature on Annual Waste Reports, Tyler Pipe Company,
Tyler, Texas)

1413. Paragraphs 1 through 1412 are realleged and incorporated herein.

1414. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to have the 2003 annual waste report signed by a person who was an authorized representative of the facility, in violation of 40 C.F.R. § 262.41(a).

1415. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from

January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTY-SECOND CLAIM FOR RELIEF - RCRA
(Failure to Have Accurate Hazardous Waste Training Material, Tyler Pipe Company,
Tyler, Texas)

1416. Paragraphs 1 through 1415 are realleged and incorporated herein.

1417. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to have the hazardous waste training material cover labeling requirements, inspection requirements or shipping requirements, in violation of 40 C.F.R. § 265 Subpart B, 40 C.F.R. §§ 265.16, 262.34(a)(4).

1418. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTY-THIRD CLAIM FOR RELIEF - RCRA
(Failure to Label Hazardous Waste Containers,
Tyler Pipe Company, Tyler, Texas)

1419. Paragraphs 1 through 1418 are realleged and incorporated herein.

1420. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to label containers that were used to transfer hazardous waste from the point of generation to the 90-day accumulation area with the words "hazardous waste," in violation of 40 C.F.R. §§ 262.34(a), 265.171-173.

1421. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTY-FOURTH CLAIM FOR RELIEF - RCRA
(Failure to Label Universal Waste, Tyler Pipe Company, Tyler, Texas)

1422. Paragraphs 1 through 1421 are realleged and incorporated herein.

1423. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to label universal waste battery or lamp containers with the words “universal waste batteries” or “universal waste lamps,” some waste lamps were not containerized, and a comment noted that batteries had been labeled “used” in violation of 40 C.F.R. §§ 273.14(a), 273.34(a).

1424. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTY-FIFTH CLAIM FOR RELIEF - RCRA
(Failure to Have Complete Universal Waste Management Training Program, Tyler Pipe Company, Tyler, Texas)

1425. Paragraphs 1 through 1424 are realleged and incorporated herein.

1426. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to have a universal waste management training program which included descriptions of proper handling and emergency procedures, in violation of 40 C.F.R. § 273 Subpart B and 40 C.F.R. § 273.16(a)

1427. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTY-SIXTH CLAIM FOR RELIEF - RCRA
(Failure to Comply with Documentation Requirements for Medical Waste Transport, Tyler Pipe Company, Tyler, Texas)

1428. Paragraphs 1 through 1427 are realleged and incorporated herein.

1429. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to identify on the medical waste shipment manifest dated June 16, 2004, the total weight of containers or number of containers collected, in violation of 29 C.F.R. §§ 1910.1030(d)(4)(iii), 1910.1030(g)(1)(I).

1430. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTH-SEVENTH CLAIM FOR RELIEF - RCRA
(Failure to Label Used Oil Containers, Tyler Pipe Company, Tyler, Texas)

1431. Paragraphs 1 through 1430 are realleged and incorporated herein.

1432. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to properly label containers and tanks used for used oil with the words "used oil" in violation of 40 C.F.R. § 279.22(c)(1-2).

1433. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTY-EIGHTH CLAIM FOR RELIEF - RCRA
(Failure to Properly Manage Solid Waste, Union Foundry, Anniston, Alabama)

1434. Paragraphs 1 through 1433 are realleged and incorporated herein.

1435. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to properly manage several unidentified drums of solid waste, and failed to mark drums, some of which had open bungs, allowing contents to spill, in violation of 40 C.F.R. § 261, 40 C.F.R. §§ 265.173(c), 268.

1436. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from

January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED FIFTY-NINTH CLAIM FOR RELIEF - RCRA
(Failure to Properly Dispose of Solid Waste, Union Foundry, Anniston, Alabama)

1437. Paragraphs 1 through 1436 are realleged and incorporated herein.

1438. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to properly dispose of solid waste, as shot blast media was improperly disposed of on the ground in areas surrounding the storm water drainage ditch, in violation of 40 C.F.R. §§ 122.26, and BMP provisions of ADEM Admin. Code R. 335-6-6.08(j).

1439. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTIETH CLAIM FOR RELIEF - RCRA
(Failure to Properly Characterize Waste Streams, Union Foundry, Anniston, Alabama)

1440. Paragraphs 1 through 1439 are realleged and incorporated herein.

1441. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to properly characterize eight waste streams: 1) air compressor blowdown - off-site contractor, 2) oil filters - charged in cupola furnace, 3) baghouse bags - charged in cupola furnace, 4) sludge in abandoned holding ponds - none (i.e. no disposal other than in the holding ponds), 5) waste grease - charged in cupola furnace 6) blue refractory -

industrial landfill, 7) drill shavings - recycled by off site contractor, 8) coke fines - charged in cupola furnace, in violation of 40 C.F.R. §§ 261, 268.

1442. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTY-FIRST CLAIM FOR RELIEF - RCRA
(Failure to Have Manifests On-Site, Union Foundry, Anniston, Alabama)

1443. Paragraphs 1 through 1442 are realleged and incorporated herein.

1444. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to submit a complete set of manifests available during the audit when the facility was listed with ADEM as a large quantity generator, in violation of 40 C.F.R. §§ 260.10, 262.12(a).

1445. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTY-SECOND CLAIM FOR RELIEF - RCRA
(Failure to Have Complete Set of Manifests On-Site, Union Foundry, Anniston, Alabama)

1446. Paragraphs 1 through 1445 are realleged and incorporated herein.

1447. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to submit a complete and accurate notification of hazardous waste activity form (ADEM Form 8700-12) for 2003: a) estimated annual volumes of hazardous waste were not included; b) small quantity handler lamps box was not checked; c) latitude/longitude method was not indicated; d) recycled hazardous waste quantity was not indicated; and e) contact person (facility coordinator) for hazardous waste management had changed, but the form had not been updated, in violation of 40 C.F.R. § 262.12(a).

1448. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTY-THIRD CLAIM FOR RELIEF - RCRA
(Failure to Comply with Record Keeping Requirements, Union Foundry, Anniston, Alabama)

1449. Paragraphs 1 through 1448 are realleged and incorporated herein.

1450. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to comply with applicable solid and hazardous waste record keeping requirements with respect to the following records, which were found to be incomplete: 1) files regarding waste sampling and analysis; 2) supporting data used to determine whether waste generated at the facility was hazardous or non hazardous; 3) waste activity notifications, certifications, and land disposal restriction documentation; 4) hazardous waste manifests; 5) biennial reporting, in violation of 40 C.F.R. § 262.40(c).

1451. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTY-FOURTH CLAIM FOR RELIEF - RCRA
(Failure to Submit Land Disposal Restriction Waste Notification, Union Foundry,
Anniston, Alabama

1452. Paragraphs 1 through 1451 are realleged and incorporated herein.

1453. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to submit one-time written notification of land disposal restriction waste to each treatment, storage, and disposal facility receiving waste from this facility; and for hazardous waste manifests that were available, the notifications were intermittent and not submitted as one-time notifications, in violation of 40 C.F.R. § 268.7(a)(2)(i).

1454. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTH-FIFTH CLAIM FOR RELIEF - RCRA
(Failure to Have Waste Minimization Program, Union Foundry, Anniston, Alabama)

1455. Paragraphs 1 through 1455 are realleged and incorporated herein.

1456. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to have a waste minimization program, which was required for a large quantity generator, in violation of 40 C.F.R. § 262.27.

1457. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTY-SIXTH CLAIM FOR RELIEF - RCRA
(Failure to Train Environmental Manager, Union Foundry, Anniston, Alabama)

1458. Paragraphs 1 through 1457 are realleged and incorporated herein.

1459. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to ensure that the facility's environmental manager had received appropriate training on waste management responsibilities even though it had signed a May 2004 hazardous waste manifest, in violation of 40 C.F.R. § 265.16(a)(1).

1460. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTY-SEVENTH CLAIM FOR RELIEF - RCRA
(Failure to Have Records of Local Authorities Site Visits, Union Foundry,
Anniston, Alabama)

1461. Paragraphs 1 through 1460 are realleged and incorporated herein.

1462. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to maintain records showing arrangements with local authorities to familiarize them with the facility's hazardous waste operation; facility's emergency response plan did not include arrangements with local or emergency response teams, nor did it include the facility evacuation plan; facility did not have records showing that copies of hazardous waste contingency plan had been provided to local police, fire departments, hospitals, and state and local emergency response teams, in violation of 40 C.F.R. § 265.37(a).

1463. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTY-EIGHTH CLAIM FOR RELIEF - RCRA
(Failure to Have Adequate Hazardous Waste Contingency Plan, Union Foundry,
Anniston, Alabama)

1464. Paragraphs 1 through 1463 are realleged and incorporated herein.

1465. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to have a hazardous waste contingency plan that

specified an emergency coordinator or alternatives, and one person as the primary coordinator, in violation of 40 C.F.R. § 265.52(d).

1466. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SIXTY-NINTH CLAIM FOR RELIEF - RCRA
(Failure to Operate in Accordance with Landfill Permit, Union Foundry,
Anniston, Alabama)

1467. Paragraphs 1 through 1466 are realleged and incorporated herein.

1468. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility accepted free liquids at its on-site non-hazardous waste landfill, which is prohibited by the landfill permit; auditors found no written procedure to prevent a recurrence of that violation, in violation of 40 C.F.R. § 264.314(f) and landfill permit.

1469. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTIETH CLAIM FOR RELIEF - RCRA
(Failure to Label Universal Waste, Union Foundry, Anniston, Alabama)

1470. Paragraphs 1 through 1469 are realleged and incorporated herein.

1471. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to properly label universal waste battery and lamp containers, in violation of 40 C.F.R. § 273.14(a).

1472. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTY- FIRST CLAIM FOR RELIEF - RCRA
(Failure to Have Universal Waste Management Training Program, Union Foundry, Anniston, Alabama)

1473. Paragraphs 1 through 1472 are realleged and incorporated herein.

1474. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to have a universal waste management training program, in violation of 40 C.F.R. § 273.16.

1475. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTY-SECOND CLAIM FOR RELIEF - RCRA
(Failure to Properly Label Oil/Water Separator, Union Foundry, Anniston, Alabama)

1476. Paragraphs 1 through 1475 are realleged and incorporated herein.

1477. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to properly label its oil/water separator with words "used oil", in violation of 40 C.F.R. § 279.22(c)(2).

1478. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTY-THIRD CLAIM FOR RELIEF - RCRA
(Failure to Maintain Records for Above-Ground Storage Tank, Union Foundry, Anniston, Alabama)

1479. Paragraphs 1 through 1478 are realleged and incorporated herein.

1480. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to maintain documents to verify that the Alabama above-ground storage tank requirements had been met, including registration, fees, and financial responsibility, in violation of 40 C.F.R. § 282.50(b), and ADEM Admin. Code R. 335-6-16.04 to .05.

1481. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6924(g), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for these violations of RCRA that

occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTY-FOURTH CLAIM FOR RELIEF - CERCLA
(Failure to Report Release of Lead, Clow Water Systems Company, Coshocton, Ohio)

1482. Paragraphs 1 through 1481 are realleged and incorporated herein.

1483. On April 20, 2004, sludge from a sludge tank at the WWTP at Defendant McWane's Clow Water Systems Coshocton, Ohio facility overflowed. The sludge was deposited in an earthen area southeast of the WWTP which Clow refers to as the Red Sea area. According to McWane's estimates, the sludge contained 1,101 pounds of lead which is 110 times the RQ of 10 pounds for lead in 40 C.F.R. § 302.4, Table 302.4. The release occurred at approximately 3AM and Clow reported the release to the NRC at approximately 6 PM or 15 hours after the release.

1484. Defendant McWane at the Clow Water Systems Coshocton, Ohio facility failed to notify the NRC of the release of lead from a sludge tank at the WWTF as soon as it had knowledge or the release in violation of CERCLA § 103(a) and 40 C.F.R. § 302.6.

1485. Pursuant to Section 109(c) of CERCLA, 42 U.S.C. § 9609(c), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of CERCLA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTY-FIFTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit Toxic Release Inventory, Amerex Corporation, Trussville, Alabama)

1486. Paragraphs 1 through 1485 are realleged and incorporated herein.

1487. Based on an audit conducted by McWane, Defendant McWane at the Amerex Trussville, Alabama facility failed to include a chemical (2,2-dichloro-1,1,1-trifluorethane) which exceeded the regulatory threshold, in the facility's toxic release inventory report for 1999, in violation of 40 C.F.R. § 372.22 and 40 C.F.R. § 372.30(a).

1488. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTY-SIXTH CLAIM FOR RELIEF - EPCRA
(Failure to File Toxic Release Inventory, Amerex Corporation, Scotch Plains, New Jersey)

1489. Paragraphs 1 through 1488 are realleged and incorporated herein.

1490. Based on an audit conducted by McWane, Defendant McWane at the Amerex Scotch Plains, New Jersey facility failed to file a toxic release inventory report for the reporting year 1999 for lead, chromium, nickel, manganese, and zinc, which would have been due by July 1, 2000 under EPCRA § 313, in violation of 40 C.F.R. § 372.30(a).

1491. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from

January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTY-SEVENTH CLAIM FOR RELIEF - EPCRA

(Failure to Submit Form R Reports, Anaco, Corona, California)

1492. Paragraphs 1 through 1491 are realleged and incorporated herein.

1493. Based on an audit conducted by McWane, Defendant McWane at the Anaco, Corona, California facility failed to submit and maintain records for Form R reports for two chemicals in 2000, six chemicals in 2001, six chemicals in 2002, three chemicals in 2003, and two chemicals in 2004, in violation of 40 C.F.R. §§ 372.10(a), 372.22, 372.30(a).

1494. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTY-EIGHTH CLAIM FOR RELIEF - EPCRA

(Failure to Submit Form R Reports, Atlantic States Compnay, Phillipsburg, New Jersey)

1495. Paragraphs 1 through 1494 are realleged and incorporated herein.

1496. Based on an inspection of the Atlantic States facility between September 30 and October 2, 2003, Defendant McWane failed to submit and maintain records for Form R reports for processing the following toxic chemicals: approximately 30,030 pounds of xylene during calendar year 1999; approximately 93 pounds of mercury during calendar year 2000; approximately 63 pounds of mercury during calendar year 2001; and approximately 61 pounds of

mercury during calendar year 2002 in violation of 40 C.F.R. §§ 372.10(a), 372.22, and 372.30(a). The report for a given calendar year was due by July 1st of the following year.

1497. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED SEVENTY-NINTH CLAIM FOR RELIEF - EPCRA
(Failure to Maintain Documentation for Releases Atlantic States Compnay,
Phillipsburg, New Jersey)

1498. Paragraphs 1 through 1497 are realleged and incorporated herein.

1499. Based on an inspection of the Atlantic States facility between September 30 and October 2, 2003, Defendant McWane failed to maintain supporting documentation for the stack air release calculations and water release calculations for barium compounds reported in each of three Form R reports McWane filed (for calendar years 2000 through 2002), and failed to maintain supporting documentation for the water release calculations for lead reported in the 2000 Form R report, in violation of 40 C.F.R. §§ 372.10(a), 372.22, and 372.30(a).

1500. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTIETH CLAIM FOR RELIEF - EPCRA
(Failure to Update Threshold Inventory, Clow Valve Company, Corona, California)

1501. Paragraphs 1 through 1500 are realleged and incorporated herein.

1502. Based on an audit conducted by McWane, Defendant McWane at the Clow Valve, Corona, California facility failed to submit Form R reports for: chromium (2001 and 2002); cobalt (2001-2004); copper (2000-2004); lead (2000-2004); manganese (2001 and 2002); and nickel (2001 and 2002), in violation of 40 C.F.R. §§ 372.22, 372.30(a).

1503. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTY-FIRST CLAIM FOR RELIEF - EPCRA
(Failure to Properly File Form R Report, Clow Valve (Plant 1 Machine Shop),
Oskaloosa, Iowa)

1504. Paragraphs 1 through 1503 are realleged and incorporated herein.

1505. At all times relevant to this action, Defendant McWane at Clow Valve, Oskaloosa, Iowa facility has “processed”, “manufactured” or “otherwise used” toxic chemicals, within the meaning of 40 C.F.R. § 372.3.

1506. In August, 2004, an EPA contractor conducted a multimedia inspection of the Clow Valve, Oskaloosa, Iowa foundry and machine shop facilities, which inspection included an EPCRA data quality inspection. During this inspection, EPA’s contractor identified that

Defendant McWane at the Clow Valve, Oskaloosa, Iowa facility had submitted Form Rs with data quality errors which caused erroneous data to be submitted for calendar year 2001 to the Administrator of EPA and to the State of Iowa.

1507. Defendant McWane at the Clow Valve, Oskaloosa, Iowa facility submitted the Form R for reporting year 2001 with data quality errors by failing to report off-site transfers of iron foundry sand, baghouse dust metal, and brass foundry sand; thereby resulting in the underreporting of chromium, copper, lead, manganese, nickel, and zinc as off-site transfers, in violation of 40 C.F.R. §§ 372.22, 372.30(a).

1508. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTY-SECOND CLAIM FOR RELIEF - EPCRA
(Failure to File Complete Inventory Form, Clow Water Systems Company, Coshocton Ohio)

1509. Paragraphs 1 through 1508 are realleged and incorporated herein.

1510. On April 20, 2004, sludge from a sludge tank at the WWTP at the Clow Water System Coshocton, Ohio facility overflowed. The sludge was deposited in an earthen area southeast of the WWTP which the facility refers to as the Red Sea area. According to Clow Water System facility's estimates, the sludge contained 1,101 pounds of lead which is 110 times the RQ of 10 pounds for lead in 40 C.F.R. § 302.4, Table 302.4. Clow Water System facility reported the release to the LEPC and SERC approximately 15 hours after the release.

1511. Tier II Forms submitted by Clow Water Systems Coshocton, Ohio facility for 2003 failed to include CAS numbers for certain chemicals included on the forms, in particular, nitrogen (7727-37-9), oxygen (7782-44-7), calcium barium silicide, cement, pebble (burnt or quick lime), sand and water base pipe paint.

1512. Defendant McWane failed to include building openings and rooms and surrounding land use in the emergency and hazardous chemical Inventory form submitted to the SERC, in violation of 40 C.F.R. § 370.40-41.

1513. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTY-THIRD CLAIM FOR RELIEF - EPCRA
(Failure to Report Release of Lead to LEPC and SERC, Clow Water Systems Company,
Coshocton Ohio)

1514. Paragraphs 1 through 1513 are realleged and incorporated herein.

1515. Based on an audit conducted by McWane, Defendant McWane at the Clow Water System Coshocton, Ohio facility failed to notify the SERC or the LEPC when a release of lead occurred from the facility on April 20, 2004 which required notice under CERCLA § 103(a), as soon as it had knowledge of the release, in violation of EPCRA § 304(b), and 40 C.F.R. § 355.40(b).

1516. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA

that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTY-FOURTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit Initial Release and Follow Up Notification, Clow Water Systems
Company, Coshocton Ohio)

1517. Paragraphs 1 through 1516 are realleged and incorporated herein.

1518. Defendant McWane at the Clow Water System Coshocton, Ohio facility failed to submit notice of an initial release and follow-up notification to EPA for releases of nitrogen dioxide and nitrogen oxides in 2003 in violation of 40 C.F.R. § 302.8.

1519. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTY-FIFTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit Complete Tier II Forms, Clow Water Systems Company,
Coshocton Ohio)

1520. Paragraphs 1 through 1519 are realleged and incorporated herein.

1521. Defendant McWane at the Clow Water System Coshocton, Ohio facility failed to include CAS numbers for certain chemicals included on the Tier II forms submitted for 2003, in particular, nitrogen (7727-37-9), oxygen (7782-44-7), calcium barium silicide, cement, pebble (burnt or quick lime), sand and water base pipe paint, in violation of 40 C.F.R. § 370.41.

1522. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTY-SIXTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit Tier II Forms for 2001, 2002 and 2003 - Manchester Tank Company,
Bedford, Indiana)

1523. Paragraphs 1 through 1522 are realleged and incorporated herein.

1524. At all times relevant to this action, Defendant McWane at its Manchester Tank, Bedford, Indiana facility has hazardous chemicals at or above the minimum threshold level, within the meaning of 40 C.F.R. § 370.20.

1525. Defendant McWane at its Manchester Tank, Bedford, Illinois facility failed to submit the emergency and hazardous chemical inventory forms to the SERC, LEPC, and the local fire department with jurisdiction over the facility for calendar years 2001, 2002, and 2003 by the March 1 reporting deadline.

1526. Defendant McWane at its Manchester Tank Company, Bedford, Indiana facility failed to submit EPCRA Tier II forms for 2001, 2002, and 2003, in violation of EPCRA § 312(a) and 40 C.F.R. § 372.25.

1527. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from

January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTY-SEVENTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit a Toxic Release Inventory, Manchester Tank Company,
Crossville, Tennessee)

1528. Paragraphs 1 through 1527 are realleged and incorporated herein.

1529. Based on an audit conducted by McWane, Defendant McWane at its Manchester Tank, Crossville, Tennessee facility failed to submit EPCRA Tier II forms for an argon/oxygen mixture and for a propane tank for reporting years 2001, 2002, and 2003, in violation of 40 C.F.R. § 370.25 (propane) and 40 C.F.R. § 370.28 (argon/oxygen).

1530. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTY-EIGHTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit Toxic Release Inventory, Manchester Tank Company, Elkhart, Indiana)

1531. Paragraphs 1 through 1530 are realleged and incorporated herein.

1532. At all times relevant to this action, Defendant McWane at its Manchester Tank, Elkhart, Indiana facility has “processed”, “manufactured” or “otherwise used” toxic chemicals, within the meaning of 40 C.F.R. § 372.3.

1533. Defendant McWane at its Manchester Tank, Elkhart, Indiana facility failed to submit toxic release inventory forms for manganese to the EPA Reporting Center and Indiana for reporting years 2000, 2001, and 2002 by the July 1 reporting deadline

1534. Defendant McWane at its Manchester Tank, Elkhart, Indiana facility failed to submit TRI reports for manganese for reporting years 2000, 2001, and 2002, in violation of EPCRA § 313(a) and 40 C.F.R. § 372.22 and 40 C.F.R. § 372.30(a).

1535. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED EIGHTY-NINTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit Toxic Release Inventory, Manchester Tank Company,
Hannibal, Missouri)

1536. Paragraphs 1 through 1535 are realleged and incorporated herein.

1537. Based on an audit conducted by McWane, Defendant McWane at its Manchester Tank, Hannibal, Missouri facility failed to maintain records to demonstrate compliance with EPCRA Tier I/II and Form R reporting requirements, in violation of 40 C.F.R. §§ 370.20(d), 372.10(a).

1538. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from

January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETIETH CLAIM FOR RELIEF - EPCRA

(Failure to Submit Form R Report for 2002, Manchester Tank Company, Quincy, Illinois)

1539. Paragraphs 1 through 1538 are realleged and incorporated herein.

1540. At all times relevant to this action, Defendant McWane at its Manchester Tank, Quincy, Illinois facility has "processed", "manufactured" or "otherwise used" toxic chemicals, within the meaning of 40 C.F.R. § 372.3.

1541. Defendant McWane at its Manchester Tank, Quincy, Illinois facility failed to submit toxic release inventory forms for manganese to the EPA Reporting Center and Illinois for reporting years 2002 by the July 1 reporting deadline.

1542. Defendant McWane at its Manchester Tank, Quincy, Illinois facility failed to submit a Form R report for manganese in 2002, in violation of EPCRA § 313(a) and 40 C.F.R. §§ 372.22, 372.30(a).

1543. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETY-FIRST CLAIM FOR RELIEF - EPCRA

(Failure to Submit a Toxic Release Inventory, Tyler Pipe Company, Tyler Texas)

1544. Paragraphs 1 through 1543 are realleged and incorporated herein.

1545. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to keep accurate records on annual purchases, usage and on-site storage of all EPCRA § 313 reportable chemicals so as to support compliance with the reporting requirements, and failed to submit a toxic release inventory report for 1999, in violation of 40 C.F.R. §§ 372.10 (a), 372.22, 372.30(a).

1546. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETY-SECOND CLAIM FOR RELIEF - EPCRA
(Failure to Submit a Toxic Release Inventory, Tyler Pipe Company, Tyler Texas)

1547. Paragraphs 1 through 1546 are realleged and incorporated herein

1548. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to keep accurate records during the time period from 1997 to 2002 to support compliance with EPCRA Tier II (sections 311 and 312) reporting requirements, in violation of 40 C.F.R. § 370.

1549. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETY-THIRD CLAIM FOR RELIEF - EPCRA
(Failure to Have Material Safety Data Sheet, Tyler Pipe Company, Tyler Texas)

1550. Paragraphs 1 through 1549 are realleged and incorporated herein.

1551. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to have a material safety data sheet ("MSDS") for an aerosol product as part of the facility's MSDS system, in violation of 40 C.F.R. § 370.21.

1552. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETY-FOURTH CLAIM FOR RELIEF - EPCRA
(Failure to Have Tier II Reports, Pacific States Cast Iron Pipe Company, Provo, Utah)

1553. Paragraphs 1 through 1552 are realleged and incorporated herein.

1554. Based on an audit conducted by McWane, Defendant McWane at the Pacific States, Provo, Utah facility failed to have copies of signed EPCRA Tier II reports for 2001 and 2002 when they were not found in the files on the site during the audit, in violation of 40 C.F.R. § 370.

1555. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from

January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETY-FIFTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit Accurate Form Rs, Union Foundry, Anniston, Alabama)

1556. Paragraphs 1 through 1555 are realleged and incorporated herein.

1557. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility submitted defective Form R's for the 1999 reporting year which: a) omitted phenol as a reportable chemical; b) failed to list on-site waste treatment in section 7A of the Form R for triethylamine; and c) failed to project future releases in columns C and D of Section 8.1 of four Form Rs, in violation of 40 C.F.R. §§ 372.22, 372.30(a).

1558. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETY-SIXTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit Accurate Records, Union Foundry, Anniston, Alabama)

1559. Paragraphs 1 through 1558 are realleged and incorporated herein.

1560. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility was missing records to ensure compliance with EPCRA requirements, including: (a) quantities of extremely hazardous substances, (b) notification to the state emergency response commission; (c) emergency coordinator notification to LEPC;

(d) emergency and hazardous chemical inventory reporting; (e) Tier II Inventory forms; and
(f) Form R reports, in violation of 40 C.F.R. §§ 372.22, 372.25, 372.30(a).

1561. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETY-SEVENTH CLAIM FOR RELIEF - EPCRA
(Failure to Submit Accurate Records, Union Foundry, Anniston, Alabama)

1562. Paragraphs 1 through 1561 are realleged and incorporated herein.

1563. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to have files regarding employee training on emergency release reporting procedures available on-site, in violation of EPCRA § 324.

1564. Pursuant to Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of EPCRA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETY-EIGHTH CLAIM FOR RELIEF - SDWA
(Failure to Sample and Analyze Drinking Water, Union Foundry Company, Anniston, Alabama)

1565. Paragraphs 1 through 1564 are realleged and incorporated herein.

1566. The Union Foundry facility in Anniston, Alabama is a "facility" within the meaning of 40 C.F.R. § 144.3.

1567. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to sample or test for asbestos in the drinking water system, which was supplied from an on-site well, as required by the Alabama regulations, in violation of 40 C.F.R. § 141.23(b)(1).

1568. Pursuant to Section 1414(b) of the SDWA, 42 U.S.C. § 300g-3, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the CWA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

THREE HUNDRED NINETY-NINTH CLAIM FOR RELIEF - TSCA
(Failure to Properly Label and Dispose Lighting Ballasts and Capacitors, Amerex Corporation, Trussville, Alabama)

1569. Paragraphs 1 through 1568 are realleged and incorporated herein.

1570. Based on an audit conducted by McWane, Defendant McWane at the Amerex, Trussville, Alabama facility failed to meet PCB labeling requirements when lighting ballasts and capacitors that were not labeled "non-PCB" were not tested to confirm the absence of PCBs nor were they assumed to contain PCBs and disposed of according to PCB disposal requirements, in violation of 40 C.F.R. § 761.40(d).

1571. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997

through March 15, 2004, and \$32,500 per day for each such violation occurring after March 15, 2004.

FOUR HUNDREDTH CLAIM FOR RELIEF - TSCA

(Failure to Inventory and Label Transformers, Clow Valve Company, Corona, California)

1572. Paragraphs 1 through 1571 are realleged and incorporated herein.

1573. Based on an audit conducted by McWane, Defendant McWane at the Clow Valve, Corona, California facility failed to have an inventory of existing transformer units to verify whether or not they were PCB-containing (and apparently they were not clearly labeled), in violation of 40 C.F.R. § 761.209.

1574. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring after March 15, 2004.

FOUR HUNDRED -FIRST CLAIM FOR RELIEF - TSCA

(Failure to Label Transformers, Empire Coke Company, Holt, Alabama)

1575. Paragraphs 1 through 1574 are realleged and incorporated herein.

1576. Based on an audit conducted by McWane, Defendant McWane at the Empire Coke, Holt, Alabama facility failed to determine whether transformers contained PCBs and properly label them, in violation of 40 C.F.R. § 761.40 and 335-13-1.

1577. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior

to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring after March 15, 2004.

FOUR HUNDRED -SECOND CLAIM FOR RELIEF - TSCA
(Failure to Keep Records for PCB Transformer Inspections, M & H Valve Company, Anniston, Alabama)

1578. Paragraphs 1 through 1577 are realleged and incorporated herein.

1579. Based on an audit conducted by McWane, Defendant McWane at the M & H Valve, Anniston, Alabama facility failed to keep records for PCB transformer inspections during the first two quarters of 2004, in violation of 40 C.F.R. § 761.30(a)(1)(ix).

1580. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring after March 15, 2004.

FOUR HUNDRED -THIRD CLAIM FOR RELIEF - TSCA
(Failure to Audit Capacitors, M & H Valve Company, Anniston, Alabama)

1581. Paragraphs 1 through 1580 are realleged and incorporated herein.

1582. Based on an audit conducted by McWane, Defendant McWane at the M & H Valve, Anniston, Alabama facility failed to meet PCB auditing requirements when the required annual PCB log was updated, but the capacitors listed in the inventory had not been physically audited for quantity; in addition, the PCB inventory on the document log does not match the transformer registration documents, in violation of 40 C.F.R. § 761.180(a).

1583. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -FOURTH CLAIM FOR RELIEF - TSCA
(Failure to Properly Label and Dispose Lighting Ballasts and Capacitors, M & H Valve Company, Anniston, Alabama)

1584. Paragraphs 1 through 1583 are realleged and incorporated herein.

1585. Based on an audit conducted by McWane, Defendant McWane at the M & H Valve, Anniston, Alabama facility failed to meet PCB labeling requirements when lighting ballasts and capacitors were not labeled "non-PCB" and had not been tested to confirm the absence of PCBs, nor were they assumed to contain PCBs and disposed of according to PCB disposal requirements, in violation of 40 C.F.R. § 761.60(b)(6)(ii)(A).

1586. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -FIFTH CLAIM FOR RELIEF - TSCA
(Failure to Properly Store Lighting Ballasts, Kennedy Valve Company, Elmira, New York)

1587. Paragraphs 1 through 1586 are realleged and incorporated herein.

1588. Based on an audit conducted by McWane, Defendant McWane at the Kennedy Valve, Elmira, New York facility was inappropriately accumulating and storing lighting ballasts as universal waste in a drum located in the universal waste storage area; all ballasts were being placed in that drum regardless of PCB content and no formal process existed to properly segregate PCB ballasts and capacitors from other wastes at the facility, in violation of 40 C.F.R. § 761.60.

1589. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -SIXTH CLAIM FOR RELIEF - TSCA
(Failure to Inspect and Label PCB Equipment, Manchester Tank Company,
Bedford, Indiana)

1590. Paragraphs 1 through 1589 are realleged and incorporated herein.

1591. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Bedford, Indiana facility failed to inspect and label PCB equipment, no PCB inventory had been conducted or documented and no awareness and handling program was in place, in violation of 40 C.F.R. Part 761.

1592. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -SEVENTH CLAIM FOR RELIEF - TSCA

(Failure to Properly Label and Dispose Lighting Ballasts and Capacitors, Manchester Tank Company, Bedford, Indiana)

1593. Paragraphs 1 through 1592 are realleged and incorporated herein.

1594. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Bedford, Indiana facility failed to meet PCB requirements when lighting ballasts and capacitors were not labeled "non-PCB," were not tested, nor were they assumed to contain PCBs and disposed of according to PCB disposal requirements, in violation of 40 C.F.R. §§ 761.2, 761.60.

1595. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -EIGHTH CLAIM FOR RELIEF - TSCA

(Failure to Properly Label and Dispose Lighting Ballasts and Capacitors, Manchester Tank Company, Elkhart, Indiana)

1596. Paragraphs 1 through 1595 are realleged and incorporated herein.

1597. Based on an audit conducted by McWane, Defendant McWane at the Manchester Tank, Elkhart, Indiana facility failed to meet PCB requirements when fluorescent light ballasts and capacitors that were not labeled "non-PCB" were not tested to confirm absence of PCBs nor were they assumed to contain PCBs (and disposed of accordingly), in violation of 40 C.F.R. § 761.60.

1598. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -NINTH CLAIM FOR RELIEF - TSCA

(Failure to Provide Provisions to Segregate Fluorescent Light Ballasts, Tyler Pipe Company, Macungie, Pennsylvania)

1599. Paragraphs 1 through 1598 are realleged and incorporated herein.

1600. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Macungie, Pennsylvania facility failed to have provisions in place to segregate fluorescent light ballasts and other equipment potentially containing small PCB capacitors, in violation 40 C.F.R. § 761.60.

1601. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -TENTH CLAIM FOR RELIEF - TSCA

(Failure to Properly Label and Dispose Lighting Ballasts and Capacitors, Tyler Pipe Company, Tyler, Texas)

1602. Paragraphs 1 through 1601 are realleged and incorporated herein.

1603. Based on an audit conducted by McWane, Defendant McWane at the Tyler Pipe, Tyler, Texas facility failed to meet PCB regulations when lighting ballasts and capacitors not labeled "non-PCB" were neither tested to confirm the absence of PCBs nor were they "assumed" to contain PCBs and disposed of according to PCB disposal procedures, or tested to determine PCB levels, in violation of 40 C.F.R. §§ 761.2, 761.40, and 761.60(b).

1604. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -ELEVENTH CLAIM FOR RELIEF - TSCA
(Failure to Meet PCB Recordkeeping Requirements, Union Foundry Company,
Anniston, Alabama)

1605. Paragraphs 1 through 1604 are realleged and incorporated herein.

1606. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to meet PCB recordkeeping requirements when PCB transformers were present, but records were not available to verify registration, in violation of 40 C.F.R. §§ 761.30(a)(1)(vi)(A), 761.30(a)(1)(vi)(A)(2).

1607. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -TWELFTH CLAIM FOR RELIEF - TSCA
(Failure to Repair and Clean Up Leaking PCB-Contaminated Transformer, Union Foundry Company, Anniston, Alabama)

1608. Paragraphs 1 through 1607 are realleged and incorporated herein.

1609. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to meet PCB transformer regulations when a PCB-contaminated transformer showed signs of leaking in the past, maintenance records indicate that the inspectors had identified a leaking flange on this transformer for the preceding 5 years, there were no indications, visual or in the file, that actions had been taken to repair the leak or clean up areas surrounding the transformers, in violation of 40 C.F.R. § 761.30(a)(1)(ix) through (xii).

1610. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED -THIRTEENTH CLAIM FOR RELIEF - TSCA
(Failure to Meet PCB Recordkeeping Requirements, Union Foundry Company, Anniston, Alabama)

1611. Paragraphs 1 through 1610 are realleged and incorporated herein.

1612. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed meet PCB requirements when PCB-contaminated transformers and PCB items were present at the site. However, no past records of PCB activities were available at the facility and no analysis had been done to establish that the total PCB

inventory on-site was below the 45 kilogram threshold for annual PCB inventory reporting, in violation of the Defendant's BMP to maintain compliance with 40 C.F.R. § 761.

1613. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

FOUR HUNDRED FOURTEENTH CLAIM FOR RELIEF - TSCA
(Failure to Meet PCB Recordkeeping Requirements, Union Foundry Company,
Anniston, Alabama)

1614. Paragraphs 1 through 1613 are realleged and incorporated herein.

1615. Based on an audit conducted by McWane, Defendant McWane at the Union Foundry, Anniston, Alabama facility failed to maintain records of past disposal of PCB waste, in violation of 40 C.F.R. § 761.209.

1616. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, Defendant McWane is liable for civil penalties of not more than \$25,000 per day for violations of the TSCA that occurred prior to January 30, 1997, \$27,500 per day for each such violation occurring from January 30, 1997 through March 15, 2004, and \$32,500 per day for each such violation occurring from March 15, 2004 through January 11, 2010.

PRAYER FOR RELIEF:

WHEREFORE, Plaintiffs United States of America, the Alabama Department of Environmental Management, and the State of Iowa respectfully request that this Court grant the following relief:

A. For such injunctive relief as necessary to compel Defendant to comply with the CAA, 42 U.S.C. § 7401 et seq.; CWA, 33 U.S.C. § 1251 et seq.; RCRA, 42 U.S.C. § 6901 et seq.; EPCRA, 42 U.S.C. § 11001 et seq.; CERCLA, 42 U.S.C. § 9601 et seq.; SDWA, 42 U.S.C. § 300f et seq.; and TSCA, 15 U.S.C. § 2601 et seq., these statutes' implementing regulations, as applicable, and any permits issued pursuant to the foregoing statutes.

B. A judgment assessing civil penalties against Defendant not to exceed \$25,000 per day for each violation that occurred prior to January 30, 1997, \$27,500 per day for each violation that occurred prior to March 15, 2004, and not to exceed \$32,500 per day for each violation that occurs after March 15 through January 11, 2010, and \$37,500 for each such violation occurring on or after January 12, 2009.

C. Award Plaintiffs their costs and disbursements in this action.

D. Award such other relief as this Court may deem just and proper.

FOR PLAINTIFF UNITED STATES OF AMERICA:

Date:

6/25/10

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FOR THE STATE OF ALABAMA

Date: _____

Director

Alabama Department of Environmental Management

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FOR THE STATE OF IOWA

THOMAS J. MILLER
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